

(2) Hardbottom Habitat. Hardbottom habitat does exist offshore of Gasparilla Island. Most of these areas are located outside the disposal area and will not be affected as a result of depositing sand on the beach. Approximately 1.4 acres of low value hardgrounds do exist within and just outside the surfzone within the disposal area and will be covered by sand. This will be mitigated for by constructing 0.6 acre of artificial reef.

f. Proposed Disposal Site Determinations.

(1) Mixing Zone Determination. The fill material will not cause unacceptable changes in the mixing zone specified in the Water Quality Certification in relation to: depth, current velocity, direction and variability, degree of turbulence, stratification, or ambient concentrations of constituents.

(2) Determination of Compliance with Applicable Water Quality Standards. Because of the inert nature of the fill material state water quality standards will not be violated.

(3) Potential Effects on Human Use Characteristics.

(a) Municipal and Private Water Supplies. No municipal or private water supplies will be impacted by the implementation of the project.

(b) Recreational and Commercial Fisheries. Recreational and commercial fisheries will not be impacted by the disposal of dredged material on the beach.

(c) Water Related Recreation. Water related recreation will be preserved and enhanced by the nourishment of the beach.

(d) Aesthetics. The stabilization of an eroding beach will improve aesthetics.

(e) Parks, National and Historic Monuments, National Seashores, Wilderness Areas, Research Sites, and Similar Preserves. The Gasparilla Island State Recreation Area is located within the area designated for beach disposal. The disposal of dredged material on the beach will improve recreational opportunities in the park.

g. Determination of Cumulative Effects on the Aquatic Ecosystem. There will be no cumulative impacts that result in a major impairment of water quality of the existing aquatic ecosystem as a result of the placement of fill at the project site. Subsequent maintenance dredging of Boca Grande Pass will occur approximately every two years. The impact of disposing material on the beach during these dredging cycles will be minor.

3. Findings of Compliance or Non-compliance with the Restrictions on Discharge.

- a. No significant adaptations of the guidelines were made relative to this evaluation.
- b. No practicable alternative exists which meets the study objectives that does not involve discharge of fill into waters of the United States.
- c. After consideration of disposal site dilution and dispersion, the discharge of fill materials will not cause or contribute to violations of any applicable State water quality standards for Class III waters. The discharge operation will not violate the Toxic Effluent Standards of Section 307 of the Clean Water Act.
- d. Neither the disposal of dredged material on the beach nor the construction of the artificial reef will jeopardize the continued existence of any species listed as threatened or endangered or result in the likelihood of destruction or adverse modification of any critical habitat as specified by the Endangered Species Act of 1973, as amended.
- e. The placement of fill material will not result in significant adverse effects on human health and welfare, including municipal and private water supplies, recreational and commercial fishing, plankton, fish, shellfish, wildlife, and special aquatic sites. The life stages of aquatic species and other wildlife will not be adversely affected. Significant adverse effects on aquatic ecosystem diversity, productivity and stability, and recreational, aesthetic, and economic values will not occur.
- f. On the basis of the guidelines, the proposed disposal site for the discharge of dredged material is specified as complying with the requirements of these guidelines.

**ATTACHMENT B**

**FEDERAL CONSISTENCY EVALUATION**

**MAINTENANCE DREDGING AND BEACH DISPOSAL  
BOCA GRANDE PASS, CHARLOTTE HARBOR  
LEE COUNTY, FLORIDA**

**FLORIDA COASTAL ZONE MANAGEMENT PROGRAM  
FEDERAL CONSISTENCY EVALUATION PROCEDURES  
MAINTENANCE DREDGING AND BEACH DISPOSAL  
BOCA GRANDE PASS, CHARLOTTE HARBOR  
LEE COUNTY, FLORIDA**

1. Chapter 161, Beach and Shore Preservation.

The intent of the coastal construction permit program established by this chapter is to regulate construction projects located seaward of the line of mean high water and which might have an effect on natural shoreline processes.

Response: The proposed work plans and information will be submitted to the state in compliance with this chapter.

2. Chapters 186 and 187, State and Regional Planning.

These chapters establish the State Comprehensive Plan which sets goals that articulate a strategic vision of the State's future. It's purpose is to define in a broad sense, goals, and policies that provide decision-makers directions for the future and provide long-range guidance for an orderly social, economic and physical growth.

Response: The proposed project has been coordinated with the state and no adverse comments were received.

3. Chapter 252, Disaster Preparation, Response and Mitigation.

This chapter creates a state emergency management agency, with the authority to provide for the common defense; to protect the public peace, health and safety; and to preserve the lives and property of the people of Florida.

Response: The proposed maintenance dredging would result in improved navigation within the entrance channel to Charlotte Harbor. The proposed beach disposal will help protect the beach from erosion and reduce damage resulting from storms. Therefore, this project would be consistent with the efforts of Division of Emergency Management.

4. Chapter 253, State Lands.

This chapter governs the management of submerged state lands and resources within state lands. This includes archeological and historical resources; water resources; fish and wildlife resources; beaches and dunes; submerged grass beds and other benthic communities;

swamps, marshes and other wetlands; mineral resources; unique natural features; submerged lands; spoil islands; and artificial reefs.

Response: The proposed beach nourishment would create increased recreational beach and potential turtle nesting habitat. There would be an impact on a small nearshore rock outcrop adjacent to the beach. However, this loss will be compensated for by constructing an artificial reef. No seagrass beds will be affected. The proposed work will not affect any archeological or historical resources. The project complies with the intent of this chapter.

5. Chapters 253, 259, 260, and 375, Land Acquisition.

This chapter authorizes the state to acquire land to protect environmentally sensitive areas.

Response: Since the affected property already is in public ownership, this chapter would not apply.

6. Chapter 258, State Parks and Aquatic Preserves.

This chapter authorizes the state to manage state parks and preserves. Consistency with this statute would include consideration of projects that would directly or indirectly adversely impact park property, natural resources, park programs, management or operations.

Response: The Gasparilla Island State Recreation Area is within the proposed project area. Beach disposal would have a positive impact on the recreation area and therefore, would be consistent with this chapter. The project would not adversely impact aquatic preserves near the project area.

7. Chapter 267, Historic Preservation.

This chapter establishes the procedures for implementing the Florida Historic Resources Act responsibilities.

Response: This project has been coordinated with the State Historic Preservation Officer (SHPO). Two historically significant sites are located near the beach disposal area. The SHPO has indicated that the proposed beach disposal will not adversely affect any significant cultural resources. Therefore, the project will be consistent with the goals of this chapter.

8. Chapter 288, Economic Development and Tourism

This chapter directs the state to provide guidance and promotion of beneficial development through encouraging economic diversification and promoting tourism.

Response: The proposed beach disposal would provide more space for recreational beach and the protection of recreational facilities along the beach. This would be compatible with tourism for this area and therefore, would be consistent with the goals of this chapter.

9. Chapters 334 and 339, Public Transportation.

This chapter authorizes the planning and development of a safe balanced and efficient transportation system.

Response: No public transportation systems would be impacted by this project.

10. Chapter 370, Saltwater Living Resources.

This chapter directs the state to preserve, manage and protect the marine, crustacean, shell and anadromous fishery resources in state waters; to protect and enhance the marine and estuarine environment; to regulate fisherman and vessels of the state engaged in the taking of such resources within or without state waters; to issue licenses for the taking and processing products of fisheries; to secure and maintain statistical records of the catch of each such species; and, to conduct scientific, economic, and other studies and research.

Response: The proposed beach disposal will cover approximately 1.4 acres of nearshore rock outcrops that have been uncovered by erosion. To mitigate this impact, an artificial reef similar to the outcrops covered will be constructed to replace the habitat lost. The beach disposal itself will create a larger more suitable area for turtle nesting along this segment of beach. Based on the overall impacts of the project, the project is consistent with the goals of this chapter.

11. Chapter 372, Living Land and Freshwater Resources.

This chapter establishes the Game and Freshwater Fish Commission and directs it to manage freshwater aquatic life and wild animal life and their habitat to perpetuate a diversity of species with densities and distributions which provide sustained ecological, recreational, scientific, educational, aesthetic, and economic benefits.

Response: The project will have no effect on freshwater aquatic life or wild animal life.

12. Chapter 373, Water Resources.

This chapter provides the authority to regulate the withdrawal, diversion, storage, and consumption of water.

Response: This project does not involve water resources as described by this chapter.

13. Chapter 376, Pollutant Spill Prevention and Control.

This chapter regulates the transfer, storage, and transportation of pollutants and the cleanup of pollutant discharges.

Response: The contract specifications will prohibit the contractor from dumping oil, fuel, or hazardous wastes in the work area and will require that the contractor adopt safe and sanitary measures for the disposal of solid wastes. A spill prevention plan will be required.

14. Chapter 377, Oil and Gas Exploration and Production.

This chapter authorizes the regulation of all phases of exploration, drilling, and production of oil, gas, and other petroleum products.

Response: This project does not involve the exploration, drilling or production of gas, oil or petroleum product and therefore does not apply.

15. Chapter 380, Environmental Land and Water Management.

This chapter establishes criteria and procedures to assure that local land development decisions consider the regional impact nature of proposed large-scale development.

Response: The maintenance dredging of Boca Grande Pass and beach disposal on Gasparilla Island does not appear to have any regional impact on resources in the area. Therefore, the project would be consistent with the goals of this chapter.

16. Chapter 388, Arthropod Control.

This chapter provides for a comprehensive approach for abatement or suppression of mosquitoes and other pest arthropods within the state.

Response: The project would not further the propagation of mosquitoes or other pest arthropods.

17. Chapter 403, Environmental Control.

This chapter authorizes the regulation of pollution of the air and waters of the state by the DER.

Response: Environmental protection measures will be implemented to ensure that no lasting adverse effects on water quality, air quality, or other environmental resources will occur. Therefore, the project complies with the intent of this chapter.

18. Chapter 582, Soil and Water Conservation.

This chapter establishes policy for the conservation of the state soil and water through the Department of Agriculture. Land use policies will be evaluated in terms of their tendency to cause or contribute to soil erosion or to conserve, develop, and utilize soil and water resources both onsite or in adjoining properties affected by the project. Particular attention will be given to project on or near agricultural lands.

Response: The proposed project is not located near or on agricultural lands; therefore, this chapter does not apply.



**ATTACHMENT C**  
**PERTINENT CORRESPONDENCE**



# United States Department of the Interior

FISH AND WILDLIFE SERVICE

P.O. BOX 2676

VERO BEACH, FLORIDA 32961-2676

June 16, 1992

Colonel Terrence C. Salt  
District Engineer  
U.S. Army Corps of Engineers  
P.O. Box 4970  
Jacksonville, FLorida 32232-0019

Dear Colonel Salt:


Please replace term and condition 2 with the following for a biological opinion issued to the Corps on February 28, 1990 (FWS Log NO. 4-1-90-244) for Gasparilla Island Beach Renourishment Project, Lee County, Florida:

Nest survey and relocation activities must begin 65 days prior to construction activities. Nest surveys and relocation do not have to begin earlier than May 1 or continue after September 15.

Mr. Mike Dupes of your staff brought to my attention that Service policy on the duration of nest relocation activities has changed since issuance of the original Biological Opinion.

If you have further questions regarding this matter, please contact Bob Pace of my staff (407-562-3909).

Sincerely Yours,

  
David L. Ferrell  
Field Supervisor



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Southeast Regional Office  
9450 Koger Boulevard  
St. Petersburg, FL 33702

April 29, 1992

F/SE013:TLD

Mr. A. J. Salem  
Chief, Planning Division  
U.S. Dept. of the Army  
Jacksonville District Corps of  
Engineers  
Post Office Box 4970  
Jacksonville, FL 32232-0019

Dear Mr. Salem:

This responds to your letter of March 31, 1992, regarding the proposed maintenance dredging of the entrance channel at Boca Grande Pass, Charlotte Harbor, Florida. A Biological Assessment (BA) was submitted pursuant to Section 7 of the Endangered Species Act of 1973 (ESA).

We have reviewed the BA and concur with your determination that populations of endangered/threatened species under our purview would not be adversely affected by the proposed action.

This concludes consultation responsibilities under Section 7 of the ESA. However, consultation should be reinitiated if new information reveals impacts of the identified activity that may affect listed species or their critical habitat, a new species is listed, the identified activity is subsequently modified or critical habitat determined that may be affected by the proposed activity.

If you have any questions please contact Dr. Terry Henwood, Fishery Biologist, at 813/893-3366.

Sincerely yours,

*Charles A. Oran*

*for* Andrew J. Kemmerer  
Regional Director

cc: F/SE02  
F/PR2



March 31, 1992

Planning Division  
Environmental Resources Branch

Mr. Charles Oravetz  
Chief, Protected Species Management Branch  
National Marine Fisheries Service  
9450 Koger Boulevard  
St. Petersburg, Florida 33702

Dear Mr. Oravetz:

In accordance with the provisions of Section 7 of the Endangered Species Act, as amended, the following information is provided concerning the maintenance dredging of the entrance channel at Boca Grande Pass, Charlotte Harbor, Florida.

An estimated 750,000 cubic yards of shoal material has accumulated in Boca Grande Pass. The material to be dredged consists predominantly of fine quartz, slightly shelly, light gray sand. The material will be disposed of on the beach along the southwestern shore of Gasparilla Island. Refer to the enclosed map for project location. The existing 700,000 cubic yards of material is scheduled to be dredged during the period from October through December 1992. Periodic maintenance dredging of approximately 265,000 cubic yards will occur every other year during the same time period. The method of dredging could be either hopper, hydraulic pipeline, or mechanical dredge.

The species in the project area under your jurisdiction are: green turtle (Chelonia mydas, E), hawksbill turtle (Eretmochelys imbricata, E), Kemp's ridley turtle (Lepidochelys kempii, E), leatherback turtle (Dermochelys doriacea, E), loggerhead turtle (Caretta caretta, T), finback whale (Balaenoptera physalus, E), humpback whale (Megaptera novaeangliae, E), right whale (Eubalaena glacialis, E), sei whale (Balaenoptera borealis, E), and sperm whale (Physeter macrocephalus catodon, E).

Turtles and whales occur in the general area throughout the year and can potentially be encountered during the proposed activity. No information has been found to indicate a past history of negative impacts to these species as a result of previous dredging and disposal activities in the project area. Construction activities will be kept under surveillance, management, and control to minimize interference with, disturbance of, or damage to fish and wildlife resources. Prior to the commencement of construction the contractor will instruct

all personnel associated with the project that endangered species could be in the area, the need to avoid collisions with them, and the civil and criminal penalties for harming, harassing or killing them. All small vessels associated with the project will be required to operate at "no wake/idle" speeds at all times while in water where the draft of the vessel provides less than a 3-foot clearance from the bottom. The vessel operators will be instructed to follow routes of deep water whenever possible.

Because of the nature of the work, and the precautions that will be taken to avoid adverse impacts, the Corps has determined that the proposed activities will have no effect on listed species under NMFS jurisdiction. We request your concurrence with our determination.

Sincerely,

A. J. Salem  
Chief, Planning Division

Enclosure

bcc: CESAJ-CO-ON

DP

✓ Dupes/CESAJ-PD-ER/1689  
✓ Mazer/CESAJ-PD-ER  
B Smith/CESAJ-PD-E  
JP Strain/CESAJ-PD-PD  
JP Davis/CESAJ-PD-A  
BJS Salem/CESAJ-PD





FLORIDA DEPARTMENT OF STATE

Jim Smith  
Secretary of State

DIVISION OF HISTORICAL RESOURCES

R.A. Gray Building  
500 South Bronough  
Tallahassee, Florida 32399-0250  
Director's Office      Telecopier Number (FAX)  
(904) 488-1480      (904) 488-3353

June 6, 1991

Mr. A.J. Salem, Chief  
Planning Division  
Environmental Resources Branch  
Army Corps of Engineers  
P.O. Box 4970  
Jacksonville, FL 32232-0019

In Reply Refer To:  
Susan Hammersten  
Historic Sites  
Specialist  
(904) 487-2333  
Project File No. 911426

RE: Cultural Resource Assessment Request  
Section 933 Study with Environmental Assessment  
Charlotte Harbor, Lee County, Florida

Dear Mr. Salem:

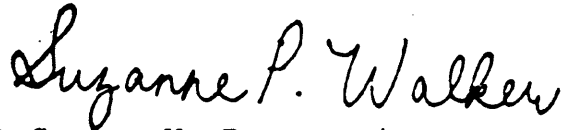
In accordance with the procedures contained in 36 C.F.R., Part 800 ("Protection of Historic Properties"), we have reviewed the above referenced project(s) for possible impact to archaeological and historical sites or properties listed, or eligible for listing, in the National Register of Historic Places. The authority for this procedure is the National Historic Preservation Act of 1966 (Public Law 89-665), as amended.

A review of the Florida Master Site File indicates that no significant archaeological or historical sites are recorded for or considered likely to be present within the project area. Furthermore, it is the opinion of this agency that because of the project location, and/or nature it is considered unlikely that any such sites will be affected. Therefore, it is the opinion of this office that the proposed project will have no effect on any sites listed, or eligible for listing in the National Register. The project is consistent with the historic preservation aspects of Florida's coastal zone program, and may proceed without further involvement with this agency.

Mr. Salem  
June 6, 1991  
Page 2

If you have any questions concerning our comments, please do not hesitate to contact us. Your interest in protecting Florida's archaeological and historic resources is appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Suzanne P. Walker".

*for* George W. Percy, Director  
Division of Historical Resources  
and  
State Historic Preservation Officer

GWP/slh





# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

P.O. BOX 2676

VERO BEACH, FLORIDA 32961-2676

February 28, 1990

Colonel Bruce A. Malson  
District Engineer  
U.S. Army Corps of Engineers  
P.O. Box 4970  
Jacksonville, FL 32232-0019

Attn: Regulatory Division

FWS Log No: 4-1-90-244

Project: Gasparilla Island Beach  
Renourishment

County: Lee

Dear Colonel Malson:

This responds to your letter dated August 31, 1989, in which you determined the subject project would have no impact on endangered species. The U. S. Fish and Wildlife Service disagrees with your determination in regard to sea turtles and, therefore, is providing this Biological Opinion. This represents the Biological Opinion of the Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act. An administrative record of this consultation is on file in the Vero Beach, Florida, Field Office.

### PROJECT DESCRIPTION

The project requires maintenance dredging of Boca Grande Pass, Lee County, Florida, and placement of about 250,000 cubic yards of clean sand along the western portion of the shoreline of Gasparilla Island, within Lee County. The dredged material would be composed of predominantly fine quartz, shell, and light grey sand. The material would be placed from the dune line to approximately 100 feet seaward of the mean high water line.

### FISH AND WILDLIFE RESOURCES

This Biological Opinion has been designed to address only sea turtles that could be negatively affected by the proposed project, as described above.

The endangered green, hawksbill, Kemp's ridley, and leatherback sea turtles, as well as the threatened loggerhead sea turtle, were all identified as possibly nesting in the project area by the Corps of Engineers in the biological information provided with their determination. Of these species we feel the threatened loggerhead sea turtle would, most likely, be found to nest in the Gasparilla Island area.

## PROJECT IMPACTS

Adverse impacts from this project would be centered on the actual dredging activities and sand deposition. The adverse effects resulting from this project include the potential for burying sea turtle nests under sands used for beach renourishment.

Even with a nest relocation program, some nests will likely remain undetected and subsequently be buried by nourishment material or crushed by heavy equipment. Increased false crawls, aberrant nests, and broken eggs are among the possible effects in the project area subsequent to nourishment, depending on the quality of the nourishment material being used (Raymond, 1984). In spite of the best intentions or efforts by persons relocating nests; wind, rain and tides can quickly obscure tracks and prevent workers from finding nests. Turtle activities themselves can often obscure nest locations, making them difficult to find, especially if the searchers are inexperienced or lack motivation. If not properly conducted, relocation of nests to hatcheries can result in reduced hatching rate (Limpus et al., 1979). In summary, although relocation of nests during beach nourishment is preferable to allowing destruction of the nests, the avoidance of adverse impacts is not absolute.

## CONSULTATION HISTORY

In a letter dated August 31, 1989, the Corps of Engineers (Corps) provided their determination that this project would not affect the previously listed sea turtles, as well as several other threatened or endangered wildlife species. The Service concurred with this determination on all species except the sea turtles. This Biological Opinion has, therefore, been developed in order to address impacts to sea turtles that might result from the proposed action, and to provide guidance as to how the impacts might be lessened or avoided.

## BIOLOGICAL OPINION & CONSERVATION RECOMMENDATIONS

The project manager has provided assurances that protective measures for sea turtles will be included in any permit issued for this project. In view of this, it is the Service's Biological Opinion that the project, as proposed, is not likely to jeopardize the continued existence of listed sea turtles. However, adverse effects on sea turtles may occur. The Reasonable and Prudent Measures and the Terms and Conditions provided below with the Incidental Take statement, and the Conservation Recommendations, will reduce the degree of adverse impacts on sea turtles.

### Incidental Take

Although the Project Manager has assured us that sea turtle conservation measures will be taken, the Service believes that there is a risk of incidental take associated with this project if construction activity occurs during the nesting season.

Section 7(b)(4) of the Act requires that when a proposed agency action is found to be consistent with Section 7(b)(2) of the Act and the proposed action is likely to result in the take of some individuals of the listed species incidental to the action, the Service will issue a statement that specifies the impact (amount or extent) of such incidental taking. It also states that reasonable and prudent measures, coupled with terms and conditions to implement these measures, be provided to minimize such impacts. The Service must also specify procedures to be used to handle or dispose of any individual specimens taken. Reasonable and prudent measures are requirements of the action agency.

We have reviewed the biological information and other information relevant to this action, and based on our review, incidental take is authorized for all nests missed by a nest relocation program within the project boundary. This is inclusive of the direct impacts of nest burial and crushing and the direct impacts of aberrant nests and broken eggs which may result from sand compaction in nesting seasons subsequent to nourishment activities.

#### REASONABLE AND PRUDENT MEASURES

The following reasonable and prudent measure is appropriate and necessary to minimize the incidental taking of sea turtles by the nourishment project. Reasonable and prudent measures do not alter the basic intent or function of the project.

Take will be minimized by conducting a nest relocation program as specified in the terms and conditions listed below.

#### TERMS AND CONDITIONS

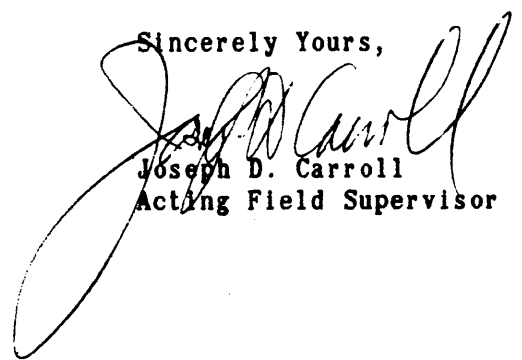
Section 9 of the Act prohibits the taking of listed species without a special exemption. In order to be exempt from the prohibitions of Section 9 of the Act, the following terms and conditions, which implement the Reasonable and Prudent Measure described above, must be complied with:

1. Nourished beaches will be plowed to a depth of at least 36 inches immediately following completion of beach nourishment if sand compaction after nourishment is greater than 500 psi. An adequate sampling method for measuring compaction should be coordinated with this office.
2. Nest relocation activities must begin 65 days prior to any nourishment activities that occur within the nesting season, or by March 1, whichever is the shorter time period. The nesting season is March 1 to November 30.

3. Nest surveys and relocation will be conducted by personnel with prior experience and training in nest survey and relocation procedures, and with a valid Florida Department of Natural Resources permit. This is essential to reduce the number of undetected nests.
4. Nests shall be relocated between sunrise and 10 A.M. each day, and relocation will be to a nearby self-release beach hatchery in a location where artificial lighting will not conflict with hatchling orientation. The hatchery must be secure from human vandalism and natural predators.
5. In the event that a turtle nest is dug up during beach construction work, the individual responsible for nest relocation in the project area must be immediately notified, so that the contents of the nest can be relocated to the hatchery.
6. Any dead specimens will be immediately recovered and held until instructions are received by telephone from the Service's Vero Beach Field Office at (407) 562-3909.
7. A report describing the actions taken to implement the terms and conditions will be submitted to this office within 60 days of completion of the proposed project. This report will include dates of actual nourishment activities, names and qualifications of personnel involved in nest surveys and relocations, description and location of hatcheries, results of nest surveys and relocations, and hatching success of relocated nests.

This concludes consultation under Section 7 of the Act, as amended. If there are modifications made in the project, or if additional information becomes available relating to threatened and endangered species, reinitiation of consultation may be necessary.

Sincerely Yours,



Joseph D. Carroll  
Acting Field Supervisor

cc:  
EPA, Atlanta, GA  
NMFS, St. Petersburg, FL  
NMFS, Panama City, FL  
FG&FWFC, Tallahassee, FL  
FG&FWFC, Vero Beach, FL  
DER, Tallahassee, FL  
FWS, Jacksonville, FL (Attn: Earl Possardt)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.  
ATLANTA, GEORGIA 30365

SEP 26 1989

REF: 4NM/WQMB/JC

Colonel Bruce A. Malson  
District Engineer  
U.S. Army Corps of Engineers, Jacksonville District  
P.O. Box 4970  
Jacksonville, Florida 32232-0019

Attention: Len Farmer

Subject: Construction-Operations Division, Dredged Material Disposal -  
Charlotte Harbor, Public Notice No. CHH155

Dear Colonel Malson:

This letter is in response to the above referenced public notice concerning the proposed 250,000 cubic yards per year maintenance dredging of the entrance channel to Charlotte Harbor, Lee County, Florida, to the authorized depth of 32 feet. The U.S. Army Corps of Engineers (COE) has applied to the State of Florida Department of Environmental Regulation pursuant to Section 404 of the Clean Water Act for authorization to conduct maintenance dredging and disposal for a period of 10 years. Three alternative disposal sites are proposed in the public notice. In order of priority these are beach disposal, nearshore disposal, and open water disposal.

Based on the information provided in the public notice, the Environmental Protection Agency (EPA) offers the following comments. With regard to Section 404, only two of the three proposed alternatives fall under these regulations; beach disposal and nearshore disposal. Of the three proposed disposal options for the referenced project, EPA presently prefers the beach disposal alternative. However, the suitability of the dredged material for beach nourishment should be determined. The public notice describes the material to be dredged as predominantly fine quartz, slightly shelly, light gray sand. Although EPA does not have any fundamental difficulty or reservations with disposal of dredged material generated from authorized Federal projects onto adjacent beaches, the material must meet certain criteria. That is, the grain size/sorting ratios of the dredged material should approximate that of the receiving beach; the percentage of fines in the material used to nourish the beach should be "de minimus" (as determined from core samples taken throughout the dredged area); and the receiving beach should not contain any significant biologically sensitive habitat/communities (e.g., vascular seagrasses, hard bottoms or vertical relief, etc.). Furthermore, if any previous chemical analysis of the sediments revealed elevated amounts of criteria pollutants, the dredged material should be reanalyzed to determine the current situation. In the event that the previous analysis did not reveal any concerns, an evaluation of the present conditions should be provided to EPA and additional testing performed as appropriate. Every onshore site considered for placement of the

subject material should be evaluated using the above criteria as appropriate. If beach disposal is determined suitable, dredged material should be deposited in the sediment-sharing system. Use of previous beach disposal sites is encouraged when feasible. If suitable material cannot be deposited in the sediment-sharing system, evidence that removal of this material does not contribute to alterations of the sediment-sharing system should be provided.

EPA is concerned that disposal on the beach of Gasparilla Island may disrupt nesting by sea turtles and preclude use by other threatened or endangered fish and wildlife. Endangered species and their habitats which may occur in the disposal area should be identified. Work should be scheduled to avoid adverse impacts to the identified species. In addition, Charlotte Harbor is a primary spawning area for many commercially and recreationally important fish and shellfish. Increased suspended sediments as a result of dredging or disposing of benthic material may significantly impact these fishery resources. Work should be scheduled to avoid adverse impacts to these resources such as dredging during periods of low spawning activity and/or high ambient turbidity.

Concerning the use of nearshore waters as a disposal alternative, hard bottoms, coral reefs, seagrass beds, and/or other environmentally sensitive resources should be identified and mapped. Disposal sites should be located to avoid impacting these areas. Material disposed of at the nearshore alternative should be similar in structure to that of the receiving sediments in order to preclude a significant change in benthic communities. A significant modification to benthic communities may cumulatively impact fish and shellfish resources by limiting available food sources.

The proposed open water disposal area referenced in the public notice is the candidate Ocean Dredged Material Disposal Site (ODMDS) offshore Charlotte Harbor that is being considered for designation by EPA pursuant to Section 102 of the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972, as amended. We assume, however, that the reference public notice is not intended to address a MPRSA Section 103 action. Full compliance with Section 103 procedure would be required prior to any ocean disposal.

We note that the ocean site in the public notice is referenced on the vicinity map as the "candidate ocean disposal site" with southwest coordinates of 26° 43.50' latitude and 86° 21.14' longitude. We wish to note, however, that the southwest coordinates for this site should be 26° 43.00 latitude and 82° 21.80 longitude as opposed to the coordinates listed in the public notice. For your information, the coordinates for the entire candidate site are:

26° 43.00 N.,	82° 21.80 W.;
26° 43.00 N.,	82° 19.46 W.;
26° 45.00 N.,	82° 21.80 W.;
26° 45.00 N.,	82° 19.46 W.

EPA and the COE district are preparing a Draft Environmental Impact Statement (DEIS) for a suitable ODMDS offshore Charlotte Harbor. Publication of the DEIS is expected in 1991.

An offshore disposal site cannot be used until such a site is formally designated by EPA or the COE. Use of an EPA designated site is preferred. If, due to an immediate need, the candidate site is needed for disposal by the COE district before EPA designation, the COE may designate the site pursuant to Section 103 of MPRSA. As part of the 103 designation process, all National Environmental Policy Act (NEPA) compliance requirements [development of an Environmental Assessment/Finding of No Significant Impacts (EA/FNSI) or an Environmental Impact Statement (EIS)] must be fulfilled and EPA concurrence achieved. EPA's review will include application of the criteria listed in Section 102(a) of MPRSA which include demonstration of a need for ocean disposal; review of ocean, non-ocean, and no action alternatives including reasons for rejection of alternatives; review of a site specific management and monitoring plan; and review of the five general, eleven specific, and other criteria of the Ocean Dumping Regulation (40 CFR 220 - 229). EPA acceptance of meeting the criteria areas is necessary before EPA concurrence with a 103 designation can be made.

Because the candidate ODMDS has never been used for dredged material disposal, (i.e., is a new site as opposed to an interim disposal site) EPA believes that a Section 103 designation may require the preparation of an EIS. Furthermore, EPA is in the process of planning a baseline sediment mapping survey of the candidate site. As a baseline, such a survey would need to precede any on-site disposal activities. The survey is scheduled for November 1989 or February 1990.

In conclusion, EPA finds that insufficient information is available on which to base approval of permit issuance. Therefore, based on the lack of information, the potential significant impacts to the marine environment, and the lack of a thorough alternatives analysis, EPA recommends that the authorization of work be withheld until the above concerns are adequately addressed. Thank you for providing us with the opportunity to comment on this matter. Should you have any questions concerning this response, please feel free to contact James Couch of my staff at 404/347-2126.

Sincerely yours,

*R. J. Smith*

Al J. Smith, Acting Director  
Water Management Division



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office  
9450 Koger Boulevard  
St. Petersburg, FL 33702

September 11, 1989 F/SER113/MT

Colonel Bruce A. Malson  
District Engineer, Jacksonville District  
Department of the Army, Corps of Engineers  
P.O. Box 4970  
Jacksonville, FL 32232-0019

Dear Colonel Malson:

The National Marine Fisheries Service has reviewed public notice no. CHH155 dated August 25, 1989 regarding the proposed maintenance dredging of the entrance channel at Charlotte Harbor by the Corps of Engineers.

Generally, we have no objections to the proposed maintenance dredging. However, specific information is needed to evaluate the three disposal alternatives. We request that you provide us with the preliminary 404(b) evaluation for nearshore and beach disposal and of the Draft Environmental Impact Statement for the new ocean disposal site when it becomes available.

If you have any questions, please contact Mr. Mark Thompson of our Panama City Area Office at 904/234-5061.

Sincerely yours,

*Edwin J. Koppner*

for

Andreas Mager, Jr.  
Assistant Regional Director  
Habitat Conservation Division







*Sen*

*copy given  
to Coastal  
30 Sept 89*

FLORIDA DEPARTMENT OF STATE

Jim Smith

Secretary of State

DIVISION OF HISTORICAL RESOURCES

R.A. Gray Building

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Tallahassee, Florida 32399-0250

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September 1, 1989

Gail G. Gren, Chief  
Construction-Operations Division  
Department of the Army  
Jacksonville District, Corps of Engineers  
P.O. Box 4970  
Jacksonville, Florida 32232-0019

In Reply Refer To:  
Susan M. Henefield  
Historic Sites Specialist  
(904) 487-2333  
Project File No. 892177

RE: Cultural Resource Assessment Request  
Public Notice No. CHH155  
Potential Disposal Site for Dredged Material on Gasparilla Island  
Lee County, Florida

Dear Ms. Gren:

In accordance with the procedures contained in 36 C.F.R., Part 800 ("Protection of Historic Properties"), we have reviewed the above referenced project(s) for possible impact to archaeological and historical sites or properties listed, or eligible for listing, in the National Register of Historic Places. The authority for this procedure is the National Historic Preservation Act of 1966 (Public Law 89-665), as amended.

A review of the Florida Master Site File indicates that a potentially significant site, 8LL124, Boca Grande Automated Phosphate Terminal, and a site listed on the National Register of Historic Places, 8LL637A and B, Boca Grande Lighthouse and Lighthouse Keeper's Quarters, is located within the proposed project area. Therefore, there is the possibility that project activities may affect properties listed, or eligible for listing on the National Register of Historic Places.

If this project consists of inbank disposal, or beach nourishment of quality material in the area of the lighthouse, it could help to protect this National Register site, and we would encourage this use of dredged materials. Therefore, if the dredged material is to be used for beach nourishment, this project will have no adverse effect on any properties listed, or eligible for listing, in the National Register of Historic Places.